



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 716
GROSSE ILE, MI 48138-1697

EPA Region 5 Records Ctr.



231918

MAR 02 2004

REPLY TO ATTENTION OF

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request for a Time Critical Removal Action at the West Third Street Site, Cincinnati, Ohio (Site ID #B58K)

FROM: Steven L. Renninger, On-Scene Coordinator *SLR for SLR*
Emergency Response Branch - Section 1

TO: Beverly Kush, Acting Chief
Emergency Response Branch

THRU: Jason H. El-Zein, Chief *JHE*
Emergency Response Branch - Section 1

I. PURPOSE

The purpose of this memorandum is to document your approval to expend up to \$62,278 in order to mitigate threats to public health, welfare, and the environment at the West Third Street Site, hereafter referred to as the Site, in Cincinnati, Ohio. The proposed removal action is necessary to mitigate the immediate threat to public health and the environment posed by the presence of uncontrolled hazardous waste containing elevated levels of cadmium and caustic waste streams. The response action proposed herein will mitigate the threats by removal and off-site disposal of the abandoned hazardous waste in drums and batteries. Additional activities will include site security, perimeter air monitoring, and preparation of a Site emergency contingency plan. The proposed removal action at the Site is time-critical removal due to Site conditions. The project will require an estimated 5 working days to complete.

There are no nationally significant or precedent-setting issues associated with the Site and the Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID #OH _____

A. Physical Location and Description

The West Third Street Site is located approximately 1 mile west of the city of Cincinnati, Hamilton County, Ohio. The geographical coordinates for the Site are latitude 39 degrees 05.835 minutes north and longitude 84 degrees 31.624 minutes west. The wastes at the Site were found abandoned between an unoccupied Queensgate warehouse building and an CSX Railroad bridge located at 750 West Third Street in Cincinnati, Ohio. The Site is in an area designed for redevelopment by the City of Cincinnati called the "Queensgate Redevelopment Area". The immediate area is a commercial/industrial area with warehouses and offices located across the street.

In Ohio, the low-income percentage is 30 and the minority percentage is 16. To meet the EJ concern criteria, the area within 1 mile of the Site must have a population that's twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 60% low-income and/or 32% minority. At this Site, the low-income percentage is 50% and the minority is 64% as determined by Arcview or Landview III analysis. Therefore, this Site does meet the region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998."

B. Site Background

In October 2003, the Ohio Environmental Protection Agency (OEPA) was notified of the presence of approximately seventy abandoned drums and several hundred abandoned military style batteries on the property located at 750 West Third Street in Cincinnati, Ohio. The OEPA subsequently conducted an investigation at the Site including sampling of the abandoned batteries and waste in the drums

During the October 7, 2003, Site investigation by the OEPA, field screening of the liquid in the batteries indicated a pH of 13 or above. The drums contained material from several different waste streams, all solids, and at least five of the drums contained cadmium fibers like those found in the batteries on Site. Analytical results confirmed that the batteries are characteristic hazardous waste for pH and at least five drums were TCLP hazardous for cadmium. The property at 750 West Third Street supports a railroad bridge and is currently owned by CSX Transportation. The OEPA noted the presence of mattresses and old chairs on Site indicating that the area is frequented by trespassers.

In a letter dated December 16, 2003, the OEPA requested assistance from the U.S. EPA in conducting a potential time-critical removal action at the Site. The OEPA noted that waste samples confirmed the presence of cadmium and caustic hazardous waste and unrestricted Site access to the abandoned waste locations.

On January 20, 2004, U.S. EPA On-Scene Coordinator (OSC) Steve Renninger conducted a Site investigation at the Site. During the investigation, the OSC noted unrestricted access to the property containing abandoned waste streams. Abandoned surface drums and batteries were identified at numerous locations between the unoccupied Queensgate warehouse building and the CSX Railroad bridge. Drums and batteries were noted to be in varying stages of deterioration, with contents spilled at numerous locations (See Attachment 4 - Photo Log). A total of 70 drums and a large battery pile were visible in an area 300' x 75' in size.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the West Third Street Site present an imminent and substantial threat to the public health, or welfare, and the environment, and meet the criteria for a time-critical removal action provided for in the National Contingency Plan (NCP), Section 300.415, Paragraph (b)(2). 40 C.F.R. § 300.415(b)(2)(i), (iii), (iv), and (v), respectively, specifically allows removal actions for:

- 1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;**

The Site is located in Cincinnati, Hamilton County, Ohio. On October 7, 2003, the OEPA conducted a Site investigation at the 750 West Third Street Site. During the investigation, the OEPA noted unrestricted access to the property. Abandoned wastes were identified at numerous locations at the Site, including waste military type batteries and drums. Drums were noted to be in varying stages of deterioration, with contents spilled at numerous locations (See Attachment 4 - Photo Log). A total of 70 waste drums were identified at the Site.

During the October 7, 2003, OEPA Site investigation, drums were documented to contain hazardous waste and were in various stages of deterioration with spilled contents. The hazardous substances, classified by 40 CFR 302.4, identified in deteriorated drums included TCLP cadmium and caustic waste streams. Wastes are located next to an unoccupied warehouse building adjacent to a railroad bridge with unrestricted access. Exposure pathways include direct contact with drums, ingestion and inhalation. The OEPA noted the presence of mattresses and old chairs on Site indicating that the area is frequented by trespassers.

- 2) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release;**

During the October 7, 2003, Site investigation, the OEPA noted unrestricted access to the property. Abandoned wastes were identified at numerous locations at the Site, including waste batteries and drums. Drums were noted to be in varying stages of deterioration, with contents spilled at numerous locations (See Attachment 4 - Photo Log). A total of 70 waste drums and several battery piles were identified at the Site. Waste drums and batteries were documented to contain hazardous waste and were in various stages of deterioration with spilled contents to the surrounding soil. Cadmium, a hazardous substance, classified by 40 CFR 302.4, was identified in OEPA samples above the TCLP regulatory level (1 ppm). Sample number 040 was collected from a white 55-gallon drum containing fiber material. Laboratory analysis of sample 040 indicated that the drum contained TCLP cadmium at 119 ppm. Sample number B002 was collected from a battery in a pile. Laboratory analysis of sample B002 indicated that the sample contained TCLP cadmium at 323 ppm. Sample number B003 was collected from a battery in a pile. Laboratory analysis of sample B003 indicated that the sample contained a pH > 13 (caustic).

In a letter dated December 16, 2003, to the U.S. EPA, the OEPA indicated that waste drums contained cadmium fibers from the types of military type batteries found on Site. These fibers looked similar to the fibers in the batteries. The other drums contained what appeared to be several different waste streams, however, all were solids. Some drums contained metal grindings or shavings, a white powdery substance, and a hard substance. Analytical results confirmed the batteries are characteristic hazardous waste for pH (pH>13 from liquid) and at least five drums were TCLP hazardous for cadmium.

On January 20, 2004, U.S. EPA On-Scene Coordinator (OSC) Steve Renninger conducted a Site investigation at the Site. During the investigation, the OSC noted unrestricted access to the property containing abandoned waste streams. Abandoned surface drums were identified at numerous locations between the unoccupied Queensgate warehouse building and the CSX Railroad bridge. Drums and batteries were noted to be in varying stages of deterioration, with contents spilled at numerous locations (See Attachment 4 - Photo Log). A total of 70 drums and a large battery pile were visible in an area 300' x 75' in size.

3) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

This factor is present at the Site due to the existence of drums which have released their contents into the soil. Abandoned wastes were identified at numerous locations at the Site, including waste batteries and drums. A total of 70 waste drums and several battery piles were identified at the Site. Waste drums and batteries were documented to contain hazardous waste (TCLP cadmium) and were in various stages of deterioration with spilled contents to the surrounding soil.

4) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Southwest Ohio receives a substantial amount of precipitation during the spring and autumn seasons; winter temperatures are normally below freezing and snowfall occurs. The majority of the exposed 55-gallon drums observed during the Site investigation were in a state of deterioration; the contents open to the environment. Weather conditions will continue to contribute to the deterioration of the drums over time.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the confirmed hazardous substances, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous substances at the West Third Street Site:

- 1) Develop and implement a Site Health and Safety plan, including a Site Emergency Contingency Plan;
- 2) Develop and implement a Site Security Plan;
- 3) Characterize, remove, and properly dispose of caustic and cadmium hazardous waste (drums and battery waste streams) and associated heavily-contaminated soil located at the Site in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);
- 4) Develop and implement an extent of contamination sampling plan to verify cleanup.

The removal activities described in this memorandum will require an estimated 5 on-site working days to complete.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal Site control.

The detailed cleanup contractor cost is presented in Attachment 1 and estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$ 46,299
(This cost category includes estimates for: ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Includes a 15% contingency.)	

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs	\$ 5,600
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Subtotal, Extramural Costs	\$ 51,899
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Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	<u>\$ 10,380</u>
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TOTAL, REMOVAL ACTION PROJECT CEILING	\$62,278
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The response actions described in this memorandum directly address the actual or threatened release at the Site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable. A letter was sent to Scott Shane of the Ohio EPA on January 20, 2004, requesting that the Ohio EPA identify State ARARs.

All hazardous substances, pollutants or contaminants removed off Site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health and the environment will result if no action or delayed action ensues.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$95,790.¹

$$(\$62,278 + \$5,000) + (42.38\% \times \$67,278) = \$95,790$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the West Third Street Site, Cincinnati, Ohio, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision was based upon information now presented in the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

removal action. The total project ceiling, if approved, will be \$62,278. Of this, an estimated \$56,678 may be used for cleanup contractor costs. You may indicate your decision by signing below:

APPROVE: Beverly J. Kush DATE: March 2, 2004
Acting Chief, Emergency Response Branch

DISAPPROVE: _____ DATE: _____
Acting Chief, Emergency Response Branch

Enforcement Addendum

Attachments

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Independent Government Cost Estimate
4. Photo Log
5. EJ Analysis

cc: R. Worley, U.S. EPA, 5202-G
D. Henne, U.S. Department of the Interior, **w/o Enf. Addendum**
K. Clouse, OEPA, DERR, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

750 WEST 3RD STREET SITE
CINCINNATI, HAMILTON COUNTY, OHIO
FEBRUARY 2004

ENFORCEMENT SENSITIVE
NOT SUBJECT TO DISCOVERY

(REDACTED 1 PAGE)

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR ESTIMATE WEST THIRD STREET SITE CINCINNATI, HAMILTON COUNTY, OHIO FEBRUARY 2004

The estimated cleanup contractor costs necessary to complete the removal action at the West Third Street Site are as follows:

Personnel & Equipment	\$14,760
Materials & Misc	\$ 8,500
Transportation and Disposal	<u>\$17,000</u>
TOTAL	\$40,260



ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR WEST THIRD STREET SITE CINCINNATI, HAMILTON COUNTY, OHIO

ORIGINAL
FEBRUARY 24, 2004

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	12/16/03	El-Zein, J., U.S. EPA	Clouse, K., Ohio EPA	Letter re: Ohio EPA's Request for U.S. EPA Assistance in Conducting a Time-Critical Removal Action at the West Third Street Site w/Attachment	18
2	01/20/04	Renninger, S., U.S. EPA	Shane, S., Ohio EPA	Letter re: U.S. EPA's Request that Ohio EPA Identify All ARARs for the West Third Street Site	2
3	00/00/00	Renninger, S., U.S. EPA	Kush, B., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the West Third Street Site (PENDING)	

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

**750 WEST 3RD STREET SITE
CINCINNATI, HAMILTON COUNTY, OHIO
FEBRUARY 2004**

(REDACTED 1 PAGE)

ATTACHMENT 4

PHOTO LOG WEST THIRD STREET SITE

Drum contents spilled (below)



ATTACHMENT 5

EJ ANALYSIS

WEST THIRD STREET SITE

CINCINNATI, HAMILTON COUNTY, OHIO

Source of Map: Census 2000 Data
Arcview 3.0